

February 7, 2005: Rice required to act on Saudi Arabia, Vietnam and Eritrea by March 15

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WASHINGTON - The U.S. Commission on International Religious Freedom (USCIRF) has written to Secretary of State Condoleezza Rice with specific recommendations for the policy actions she is required by the International Religious Freedom Act of 1998 (IRFA) to take by March 15 in response to the designation by the United States, for the first time, of Saudi Arabia, Vietnam, and Eritrea as "countries of particular concern" (CPCs) for their egregious and systematic religious freedom violations. "As world events of the past several years have confirmed, ensuring that governments respect freedom of thought, conscience, and religion or belief both advances our strategic interests and is a vital component of securing broader freedoms. Toward that end, IRFA provides us with a flexible policy tool," said USCIRF Chair Preeta D. Bansal. "IRFA calls upon the U.S. government to take specific policy actions in response to designation of countries as CPCs. The designation of Saudi Arabia, Vietnam, and Eritrea provides the United States with an opportunity to act decisively. We call upon Secretary Rice to take bold steps in response to the designation of these three countries and chart a new foreign policy course that promotes freedom through both positive actions and, at the same time, demonstrates serious U.S. concern to those governments that fail to uphold their international commitments to human rights and fundamental freedoms." The full text of the letter and recommendations for specific policy recommendations follow. An expanded text and explanation for each of these recommendations may be found attached to the press release of the letter on the USCIRF Web site at www.uscifr.gov. Dear Secretary Rice:

The U.S. Commission on International Religious Freedom congratulates you on your recent confirmation as Secretary of State. As in the past, the Commission looks forward to working together with you on our mutual goal of making the promotion of religious freedom and other human rights an integral part of our country's foreign policy. Perhaps now more than ever, the promotion of religious freedom and related human rights is vital to our strategic, as well as humanitarian, interests. In a world in which religious identity has become a profound determinant for certain actors within our international system, it is essential that the United States seek to foster conditions for freedom of thought, conscience, and religion or belief as a critical component of securing freedom and counteracting the roots of terrorism worldwide. Madame Secretary, we write to you at this critical juncture at which the U.S. government is required to take responsive actions for countries designated as "countries of particular concern," or CPCs, under the International Religious Freedom Act of 1998 (IRFA). In particular, we offer several specific recommendations with respect to Saudi Arabia, Vietnam, and Eritrea, each of which was designated a CPC for the first time in 2004. As you know, IRFA provides for many positive tools for advancing the internationally guaranteed right to freedom of thought, conscience, and religion or belief. At the same time, IRFA also contains a number of very specific provisions aimed at demonstrating serious U.S. concern to those governments that persistently perpetrate severe violations of religious freedom. The Commission welcomed Secretary Powell's redesignation last year of Burma, China, Iran, North Korea, and Sudan as CPCs, and applauded the new designation of Saudi Arabia, Vietnam, and Eritrea. The Commission believes that the process of CPC designation-and the implementation of meaningful policies in response to such designations-are among the most serious actions taken by the U.S. government in its human rights policy. The Department of State should use the full range of available policy tools to take action as outlined in IRFA with respect to all the countries the Secretary names as CPCs. Regrettably, the only official action taken by our government with respect to countries that to date have been designated CPCs has been to invoke already existing sanctions, rather than to take additional measures pursuant to IRFA. Reliance on pre-existing sanctions provides little incentive for CPC governments to reduce or end egregious violations of religious freedom. The failure to take additional action under IRFA suggests that nothing further can, or will, be done by the U.S. government with respect to those countries that commit severe violations of freedom of religion or belief. The Commission has regularly drawn attention to, and expressed strong concern about, this failure in U.S. foreign policy. The recent designation of Saudi Arabia, Vietnam, and Eritrea as CPCs, none of which is subject to pre-existing sanctions, provides our government with an opportunity decisively to respond to severe religious freedom violators. According to the statutory requirements of IRFA, for these three countries the U.S. government must: (1) request consultations with the government on the violations that gave rise to the designation, and consult with humanitarian and other U.S. organizations on the potential impact of actions that could be taken; (2) either (a) conclude a binding agreement to cease the particularly severe violations, or (b) take an action from one of several options specified in the statute (or a "commensurate" action); and (3) report to Congress on the action taken. We understand that the consultation process is currently underway and that the deadline for taking action with respect to the three countries is March 15, 2005. The Commission respectfully, and in accordance with its statutory obligations, recommends the following actions by the U.S. government in response to the designations of Saudi Arabia, Vietnam, and Eritrea as CPCs. In doing so, we emphasize that these actions are initial steps that should be taken, in concert with diplomatic efforts at all levels, to urge the governments of these countries to abide by their international human rights commitments and cease severe violations of freedom of religion or belief. We also recognize that IRFA authorizes more stringent actions that could be taken should severe violations continue. With regard to the three new CPC designations, the Commission recommends that the U.S. government should: Saudi Arabia 1) identify those Saudi agencies and officials thereof who are responsible for particularly severe violations of religious freedom and vigorously enforce section 604 of IRFA with respect to Saudi

Arabia, rendering inadmissible for entry into the United States any Saudi government official who was responsible for or directly carried out such violations;2) issue a proclamation, under the President's authority pursuant to section 212(f) of the Immigration and Nationality Act (8 USC 1182(f)), to bar those Saudi government officials from entering the United States who have been responsible for propagating globally an ideology that explicitly promotes hate, intolerance, and human rights violations;3) issue a demarche urging the government of Saudi Arabia to cease funding or other support for written materials or other activities that explicitly promote hate, intolerance, and human rights violations, including the distribution of such materials in the United States and elsewhere outside of Saudi Arabia; and4) order the heads of appropriate U.S. agencies, pursuant to section 405(a)(13) of IRFA, not to issue any specific licenses and not to grant any other specific authority for the export of any item on the U.S. Commerce Control List of dual-use items [Export Administration Regulations under part 774 of title 15] to any agency or instrumentality of the government of Saudi Arabia that is responsible for committing particularly severe violations of religious freedom. In FY 2004, the Commerce Department approved approximately \$67 million worth of articles for Saudi Arabia, including, for example, such items as thumbcuffs, leg irons, shackles, and other items that could be used to perpetrate human rights violations. Vietnam1) identify those Vietnamese agencies and officials who are responsible for particularly severe violations of religious freedom and vigorously enforce section 604 of IRFA with respect to Vietnam, rendering inadmissible for entry into the United States any Vietnamese government official who was responsible for or directly carried out such violations; and2) dedicate no less than \$1 million for FY 2005 and FY 2006, if discretionary funds are allocated to Vietnam above its annual earmark, to programs that will directly promote freedom of religion and belief and related human rights in Vietnam. Eritrea1) engage in vigorous advocacy on religious freedom and other universal human rights at all levels of involvement with the government of Eritrea and draw international attention to religious freedom abuses in Eritrea, including in multilateral fora such as the United Nations Commission on Human Rights; and2) conduct a review of U.S. development assistance to Eritrea with the aim of redirecting such assistance to programs that contribute directly to democracy, human rights, and the rule of law. Increases in other forms of development assistance should depend on measurable improvements in religious freedom. With regard to Eritrea, the Commission notes its disappointment that the government of Eritrea has not yet registered any of the religious groups whose places of worship were closed and public religious activities prohibited in 2002 pending compliance with registration requirements. The Commission also notes with concern continued reports of the arrest and detention without charge of clergy and others engaged in the practice of their faith. Please find attached to this letter an expanded description of and explanation for each of these recommendations. Madame Secretary, although it is the case that the IRFA legislation allows the President to waive the taking of any action in response to the CPC designations, the Commission firmly believes that to do so would effectively render meaningless the IRFA process and undermine our nation's commitment to the promotion of freedom of religion or belief throughout the world. To maintain the integrity of the process and the principle, a stronger response, as outlined in IRFA, is essential. The Commission looks forward to being of assistance to you and your staff in formulating actions by the U.S. government to advance freedom of religion or belief in Eritrea, Saudi Arabia, and Vietnam, as well as the other countries designated as CPCs. Respectfully,

Preeta D. Bansal Chair

Preeta D. Bansal, Chair

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